

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

KENNETH M. JONES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:18-cv-281-CWR-FKB

THE MISSISSIPPI SECRETARY OF  
STATE, DELBERT HOSEMAN,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY, CARLA THORNHILL,  
INDIVIDUALLY AND IN HER OFFICIAL  
CAPACITY, DOUG DAVIS,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY, KIM TURNER,  
INDIVIDUALLY AND IN HER OFFICIAL  
CAPACITY, AND JOHN DOES 1-10

DEFENDANTS

**NOTICE OF REMOVAL**

Defendants hereby file this Notice of Removal to remove this action from the Circuit Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Northern Division. Pursuant to said removal, the Circuit Court of Hinds County, Mississippi, First Judicial District, shall proceed no further with this action. As grounds for removal, the Defendants would show unto the Court the following:

1. On March 13, 2018, the Plaintiff filed suit in the Circuit Court of Hinds County, Mississippi, First Judicial District in an action entitled *Kenneth M. Jones v. The Mississippi Secretary of State, Delbert Hosemann, Individually and in His Official Capacity, Carla Thornhill, Individually and in Her Official Capacity, Doug Davis, Individually and in His Official Capacity, Kim Turner, Individually and in Her Official Capacity, and John Does 1-10*, having Cause No. 18-139. A certified copy of all process and pleadings filed with the Circuit Court of Hinds County, Mississippi, First Judicial District is attached hereto as Exhibit "A."

2. Jurisdiction of this matter is founded on a claim or right arising under the Constitution, treaties or laws of the United States pursuant to 28 U.S.C. § 1331 and is removable without regard to the citizenship of the Parties.

3. Under 28 U.S.C. § 1441(c), the entire case, even when it includes claims that are not within the original jurisdiction of this Court, may be removed. Jurisdiction of any otherwise non-removable claims or causes of action is founded upon the supplemental jurisdiction of this Court pursuant to 28 U.S.C. § 1367.

4. Venue is proper in the United States District for the Southern District of Mississippi, Northern Division, because it is the district and division embracing the location of the state court where this suit is currently pending.

**FEDERAL QUESTION JURISDICTION IS ESTABLISHED**

5. In this employment-discrimination action, Plaintiff Kenneth M. Jones purports to base his claims on Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5; 42 U.S.C. § 1983; and 42 U.S.C. § 1981, as well as “Mississippi Common Law.”

6. The Court has original jurisdiction over the claims asserted in the Complaint under the aforementioned federal statutes, and removal therefore is proper under 28 U.S.C. § 1331.

7. The Court may exercise supplemental jurisdiction over the Plaintiff’s other claims. Pursuant to 28 U.S.C. § 1337, “in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.”

**THE OTHER PREREQUISITES FOR REMOVAL ARE MET**

8. This Notice of Removal is timely, because no Defendant has been served—and, accordingly, thirty days have not elapsed from service of the Complaint on Defendants. *See* 28 U.S.C. § 1446(b).

9. Written notice of this Notice of Removal will be given to the adverse party as required by law.

10. A true and correct copy of this Notice of Removal will promptly be filed with the Clerk of the Circuit Court of Hinds County, Mississippi, First Judicial District, pursuant to 28 U.S.C. § 1446(d).

11. Pursuant to Rule 5(b) of the Local Uniform Rules, a true and correct copy of the entire state-court file is attached hereto as Exhibit “A.”

12. Accordingly, Defendants pray that this Court accept and retain jurisdiction of this matter.

Respectfully submitted, this 2d day of May, 2018.

MISSISSIPPI SECRETARY OF STATE’S  
OFFICE; THE MISSISSIPPI SECRETARY OF  
STATE DELBERT HOSEMAN,  
INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY; CARLA THORNHILL,  
INDIVIDUALLY AND IN HER OFFICIAL  
CAPACITY; DOUG DAVIS, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY; AND KIM  
TURNER, INDIVIDUALLY AND IN HER  
OFFICIAL CAPACITY

BY: BALCH & BINGHAM LLP

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**CERTIFICATE OF SERVICE**

I, the undersigned counsel, do hereby certify that I have this day mailed, via United States Mail, postage prepaid, a true and correct copy of the above and foregoing pleading to:

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This, the 2d day of May, 2018.

*s/Benjamin Bryant*  
Of Counsel

